



1623

PATENT  
ATTORNEY DOCKET NO. 013306-5003 US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
                        ) )  
                        ) Ian Duncan RUBIN *et al.* ) )  
                        ) )  
Application No.: 09/891,615 ) ) Group Art Unit: 1623  
                        ) )  
Filed: June 27, 2001      ) ) Examiner: Patrick T. Lewis  
                        ) )  
For: *Extracts, Compounds And* )  
*Pharmaceutical Compositions Having* )  
*Anti-Diabetic Activity And Their Use* ) )

Commissioner for Patents  
Washington, D.C. 20231

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**  
**TRANSMITTAL FORM**

1. Transmitted herewith is a response to the Restriction Requirement dated August 27, 2002.
2. Additional papers enclosed:

[ ] Information Disclosure Statement  
[ ] Form PTO-1449  
[ ] Citations

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicant believes that no extension of time is required.

Applicant petitions for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

Total Months <u>Requested</u>	Fee for <u>Extension</u>	[Fee for Small Entity]
[ ] one month	\$ 110.00	\$ 55.00
[ ] two months	\$ 390.00	\$195.00
[ ] three months	\$ 890.00	\$445.00
[ ] four months	\$1,390.00	\$695.00

RECEIVED

OCT 01 2002

TECH CENTER 1600/2900



Attorney [REDACTED] No. 013306-5003-US  
Application No. 09/891,615  
Page 2 of 3

If an additional extension of time is required, please consider this a Petition therefor.

[ ] An extension for \_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

[x] EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to **Deposit Account 50-0310**. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Payment

- [ ] The Commissioner is hereby authorized to charge any additional extension of time or additional claim fees due to **Deposit Account No. 50-0310**.
- [ ] The Commissioner is hereby authorized to charge for any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to **Deposit Account 50-0310**.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: September 27, 2002

By:

*Gregory T. Lower*  
Gregory T. Lower, Ph.D.  
Reg. No. 46,882

**CUSTOMER NO. 09629**

MORGAN, LEWIS & BOCKIUS LLP  
1111 Pennsylvania Ave., N.W.  
Washington, D.C. 2000  
202-739-3000 (ofc)  
202-739-3001 (fax)

**RECEIVED**

OCT 01 2002

TECH CENTER 1600/2900



#8  
10-8-02  
PATENT  
Docket

ATTORNEY DOCKET NO.: 013306-04-5003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
Ian Duncan RUBIN et al. )  
Application No.: 09/891,615 ) Group Art Unit: 1623  
Filed: June 27, 2001 ) Examiner: Patrick T. Lewis  
For: EXTRACTS, COMPOUNDS AND )  
PHARMACEUTICAL COMPOSITIONS )  
HAVING ANTI-DIABETIC ACTIVITY )  
AND THEIR USE )

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

**AMENDMENT AND RESPONSE TO RESTRICTION/ELECTION REQUIREMENT**

In response to the Office Action mailed August 27, 2002, Applicants respectfully elect, with traverse, Group I: claims 1-12, 18, 25, 29-30, 32 and 34, drawn to a method of treating or preventing diabetes by administering to a human or animal an effective dosage of an extract of a plant of the genus *Trichocaulon* or the genus *Hoodia*, classified in class 536, subclass 123.1

**REMARKS**

The Examiner has made a restriction requirement requiring election between the claims of:

Group I: claims 1-12, 18, 25, 29-30, 32 and 34, drawn to a method of treating or preventing diabetes by administering to a human or animal an effective dosage of an extract of a plant of the genus *Trichocaulon* or of the genus *Hoodia*, classified in class 514, subclass 54;

Group II: claims 13-15, 23, 31 and 33, drawn to an extract of a plant of the genus *Trichocaulon* or of the genus *Hoodia*, classified in class 536, subclass 123.1;

Group III: claims 16-18, 21, 25, 27, 29-30, 32 and 34, drawn to a method of treating or

1-WA/1868903.1

RECEIVED

OCT 01 2002

TECH CENTER 1600/2900